

Message Text

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 2033

UNCLAS MANILA 4379

PASS TO DEPT OF JUSTICE, FOREIGN LITIGATION UNIT
AND GENERAL COUNSEL, VA

E.O. 11652: NA

TAGS: CFED, RP

SUBJECT: CIVIL LITIGATION: VALDEZ VS. USVA

1. EMB RECEIVED SUMMONS AND COMPLAINT TRANSMITTED BY
A DIPLOMATIC NOTE IN CASE ENTITLED QUOTE AMABLE O.
VALDEZ VS. UNITED STATES VETERANS ADMINISTRATION UNQUOTE.
THE COMPLAINT ALLEGES DAMAGES IN AMOUNT OF 50,000 PESOS
BASED UPON THE FAILURE OF THE VA TO REINSTITUTE PLAINTIFF'S
DISABILITY PENSION. PENSION IN QUESTION WAS TERMINATED
WHEN PLAINTIFF WAS IMPLICATED IN SUBMITTING A FRAUDULENT
CLAIM INVOLVING VA. VA WASHINGTON DECLARED FINAL FORFEITURE ON
OCTOBER 26, 1972.

2. PLAINTIFF BROUGHT SIMILAR CASE IN SAME COURT IN 1972 (SEE
MANILA 3618, 8542 AND STATE 167821, 1972 SERIES). BETWEEN MOTION
FILED BY RETAINED LOCAL ATTORNEY AND SUBMISSION OF DIPLOMATIC
NOTE, PLAINTIFF HAD SECOND THOUGHTS AND MADE MOTION TO
WITHDRAW ACTION. MOTION WAS GRANTED BY COURT
QUOTE WITH PREJUDICE UNQUOTE ON DECEMBER 29, 1972.

3. BASED ON AUTHORITY GRANTED IN 1972 IN ABOVE
CASE, EMB HAS RETURNED SUMMONS AND COMPLAINT TO DFA REFERRING
TO 1972 NOTE AND ACTION OF COURT AT THAT TIME. ALSO, POINTED
OUT PHIL SUPREME COURT CASE THAT RECOGNIZES SOVEREIGN
IMMUNITY OF VA IN SUCH MATTERS. HOPEFULLY, THIS WILL
DISPOSE OF MATTER.

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4. HOWEVER, IF COURT DOES NOT TAKE COGNIZANCE OF EMB NOTE, REQUEST CONTINGENT AUTHORITY TO EITHER RETIAN ATTORNEY LUNA, WHO HANDLED MATTER IN 1972 WHILE MEMBER OF SYCIP LAW FIRM, OR PRESENT SYCIP LAW FIRM. REASON FOR CONTINGENT REQUEST IS COURT LOCATED IN NORTHERN LUZON AND BY TIME EMB NOTIFIED OF COURT'S ACTION MAY NEED TO TAKE IMMEDIATE STEPS TO PREVENT DEFAULT. ATTORNEY WOULD BE INSTRUCTED TO FILE FORMAL MOTION TO DISMISS BASED ON PHIL SUPREME COURT CASE WHICH RECOGNIZED VA SOVEREIGN IMMUNITY.

SULLIVAN

NOTE BY OC/T: NOT PASSED ABOVE ADDRESSEE.

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